Remarks

Claims 1, 3, 7, and 9 are pending.

By the above amendment, non-elected claims 11-30 have been canceled and the subject matter previously recited in claims 2 and 4, which are now canceled, has been added to claim 1, to define the elected invention in conformance with the restriction requirement. Dependent claims 5, 6, and 8 have also been canceled to reduce issues.

In the outstanding Office Action, the restriction requirement was made final and elected claims 1-10 were examined on their merits. Accordingly, non-elected claims 11-30 have been canceled without prejudice to the right to pursue them in one or more divisional applications.

Indeed, non-elected claim 12 has been elected for examination in co-pending U.S. Application No. 10/547,875, claims 1-10 of which formed the basis for the provisional rejection of claims 1-10 of the instant application for double patenting. Applicant requests that this provisional double patenting rejection be held in abeyance, as Applicant intends to cancel claims 1-10 from the co-pending application in due course.

Claims 1-10 of the present application were also rejected under 35 U.S.C. § 101 as lacking utility. This rejection is respectfully traversed, insofar as the claimed invention has a specific, substantial, and credible utility.

The specification describes the claimed receptor-ligand complex as having utility in assay methods for identifying compounds that modulate the biological activity of the complex. The specification further describes the active modulator compounds as being useful as therapeutic agents to treat specific diseases or disorders including, e.g., anxiety, depression, and feeding/drinking disorders (see page 45, last paragraph). Thus, although the inventive complex is useful to identify drug candidates for treating more than one particular disease or disorder, the utility as a drug screening material is nonetheless specific.

The utility is also substantial. As reflected by the investments of pharmaceutical companies in developing and performing drug screening assays targeting GPCRs, the claimed invention has a practical, real-world value.

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Moreover, the asserted utility is credible. The Examiner has failed to satisfy the USPTO's burden of establishing that one of ordinary skill in the art would doubt that the inventive complex had the asserted utility. That a target's biological relevance has not been validated or completely elucidated (e.g., through *in vivo* animal models) does not equate with doubt that the asserted biological relevance of the target will ultimately be proven, considering the description in the specification coupled with knowledge in the art (such as that cited in the specification). Accordingly, the utility rejection is in error and should be withdrawn.

Claims 1-10 were also rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection should also be withdrawn, considering that the claims no longer recite active fragments of GPCR135 or relaxin3. Since the GPCR135 and relaxin3 genera of claim 1 are sufficiently supported by a representative number of species, this Section 112 rejection has been overcome.

The amendment to claim 1 has also rendered the rejection under 35 U.S.C. § 112, second paragraph, moot. The claims no longer recite an "active fragment", and now have clear metes and bounds.

The Examiner also rejected claims 1-10 under the first paragraph of Section 112 as failing to comply with the enablement requirement. Since the scope of the claims as now amended is commensurate with the scope of enablement provided by the specification, the enablement rejection has been obviated.

The Examiner also made a number of prior art rejections, all citing the Sudo et al. reference. In particular, claims 1, 2, and 5-10 were rejected under 35 U.S.C. § 102 based on Sudo et al. Additionally, claims 1 and 3 were rejected under 35 U.S.C. § 103 based on Sudo et al. in view of Bathgate et al. Furthermore, claims 1 and 4 were rejected for obviousness based on Sudo et al. in view of Borowsky et al. Each of these rejections is in error since, contrary to the Examiner's assertion, the receptor of the Sudo et al. reference is not the same as the currently claimed GPCR135. Accordingly, the primary reference neither anticipates the claimed invention nor renders it obvious when combined with the teachings of the secondary references.

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As shown above, the pending claims are allowable. Applicant therefore requests prompt and favorable action.

Respectfully submitted,

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